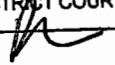


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Nos. 5:19-MJ-1036-BO
5:19-MJ-1037-BO

FILED

MAY 07 2020

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

IN RE GRAND JURY SUBPOENAS

**NORTH CAROLINA STATE BOARD
OF ELECTIONS' AND NORTH
CAROLINA DIVISION OF MOTOR
VEHICLES' RESPONSE TO THE
MOTION TO INTERVENE**

(Under Seal)

The North Carolina State Board of Elections and the North Carolina Division of Motor Vehicles (the “State Parties”) do not oppose the Motion to Intervene filed by the plaintiffs in the state court action *Capitol Broadcasting Co., et al. v. Circosta, et al.*, No. 19-CVS-12694 (Wake Cty. Super. Ct.). Because this response discusses matters under seal, and pursuant to the Court’s Order of December 12, 2019, the State Parties are filing this response under seal with the Court and are serving only the United States, not the movants. If directed by the Court, the State Parties will serve this response on the movants.

The Motion to Intervene is filed for the “limited purpose” of “seek[ing] to challenge the sealing of *these proceedings*” and the entry of any nondisclosure order in these matters. Mot. to Intervene 1–2 (emphasis added). Accordingly, the State Parties understand the movants’ requested relief to be limited to the motion-to-quash proceedings contained within docket numbers 5:19-MJ-1036-BO and 5:19-MJ-1037-BO, and does not purport to seek disclosure of grand jury proceedings or materials provided to the grand jury by the State Parties or any other

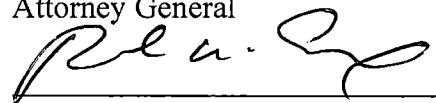
parties pursuant to subpoenas. The State Parties would oppose intervention for any purpose beyond the “limited purpose” stated in the Motion.

For the reasons set forth in the State Parties’ briefs in support of their Motions to Unseal the Motions to Quash (filed under seal on January 10, 2019) and the State Parties’ brief in opposition to the United States’ Motion for a Non-Disclosure Order (filed under seal on February 15, 2019), the State Parties believe that the litigation over the State Parties’ Motions to Quash should not be sealed and the State Parties should not be prevented from disclosing information regarding that litigation. The State Parties continue to believe, however, that any documents provided to the grand jury should remain under seal. As the State Parties argued on page 22 of their February 15, 2019 brief, those documents “contain confidential information that North Carolina state agencies are prohibited from disclosing to the public as a matter of North Carolina law,” and “the State Board and DMV could not legally disclose these documents,” even in the absence of the grand jury proceeding. *See* 18 U.S.C. § 2721; N.C. Gen. Stat. §§ 20-43.1, 132-1.2(4), 132-1.4(a), 163-82.10(a).

For these reasons, the State Parties do not oppose the Motion to Intervene for the limited purpose stated in the Motion.

This the 7th day of May, 2020.

JOSHUA H. STEIN
Attorney General



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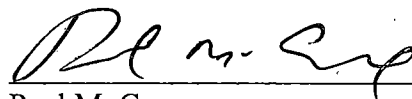
CERTIFICATE OF SERVICE

I hereby certify that on this date I have served the foregoing document on the party below, by
electronic mail, addressed as follows:

C. Michael Anderson
Assistant United States Attorney
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
michael.anderson7@usdoj.gov

Attorney for the United States

This the 7th day of May, 2020.

A handwritten signature in dark ink, appearing to read "Paul M. Cox", is written over a horizontal line.

Paul M. Cox
Special Deputy Attorney General